

# Legal Connections



LEGAL EXPERTISE FOR THE BUSINESS COMMUNITY

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**Jill Snitcher, Esq.**  
Executive Director  
[jill@cbalaw.org](mailto:jill@cbalaw.org)



## BENEFITS OF STUDENT INTERNS FOR BUSINESSES (PART 1)

Internships can be a great way for businesses to get fresh ideas and new perspectives. Interns can provide valuable assistance with projects, test out new products or services, and are a great way for students and recent graduates to gain experience and learn new skills. Hiring interns can provide benefits to small businesses and large corporations alike and helps train the next generation of employees. However, it's important for businesses to be aware of the legal requirements when hiring interns.

The Fair Labor Standards Act (FLSA) sets forth the federal minimum wage, overtime pay, recordkeeping, and child labor standards for employees



BY: LAUREN SABO

in the private sector and in Federal, State, and local governments. The FLSA does not apply to interns, however, if the internship meets certain criteria.

To be considered an intern, the individual must:

- Be enrolled in a full-time course of study at an accredited educational institution;
- Receive no more than a nominal stipend for the internship;
- Not be displacing regular employees;
- Not be doing the same work as regular employees; and

- Receive training that is similar to that which would be given in an educational setting.

If an intern does not meet all of these criteria, they may be considered an employee and entitled to minimum wage, overtime pay, and other benefits under the FLSA. In addition to the FLSA, there are also specific laws in Ohio that govern internships. The Ohio Revised Code (ORC) Section 4111.13 states that an intern must receive at least the minimum wage for all hours worked, unless the intern is enrolled in a full-time course of study and is receiving academic credit for the internship. The ORC also states that an intern must be paid overtime for all hours worked over 40 in a week.

In addition to the minimum wage and overtime requirements, the ORC also requires that employers provide interns with a safe and healthy work environment. This includes providing proper safety equipment, training, and supervision. Employers who violate the FLSA or the ORC may be subject to civil and criminal penalties. To avoid violating the law, it is important for businesses to carefully review the FLSA and the ORC before hiring interns. Businesses should also make sure that they have a written internship agreement with each intern that outlines the terms and conditions of the internship.

Watch for Part 2 of Lauren's article in the 6/23 Legal Connections Page. ■

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## NOTARY MODERNIZATION ACT IN EFFECT (PART 2)

Notary Public laws have changed in the past few years. Among the changes is the requirement of a background check before taking the test. If you pass the background check, you must next pass a test, just like when you were in school. Even lawyers, who are admitted to the bar, must take the class, although they are not required to take the test. While attorneys are granted a lifetime commission, non-lawyers must renew every five years by getting another BCI background check and



BY: CHARLES SCHNEIDER &amp; HALLIE ZARBAKHS

retaking the class. The content requirements for the test are set by the Secretary of State and the Columbus Bar Association is one of only a small number of organizations whose proposed notary test has

been approved by the Secretary of State. The CBA is also licensed to take the applicants fingerprints and transmit them to BCI.

These high standards make good sense. Why? Because a notary is the critical link between two people doing business. So many transactions today take place between two

people who don't even know each other. If the person who is signing a document is not who they say they are, then the transaction is invalid and that could have serious consequences for one or both of the parties. The notary may not prepare the document if they are not a lawyer, as this is the unauthorized practice of law, but it is the notary who makes sure that the person who is signing the document is who they say they are. This requires the notary to insist on proper identification, and for the person who is signing the document to be present with the notary.

In today's busy world, two people who are signing a document may

not even be doing it at the same time. The seller signs in the morning but the buyer who could not get off work signs in the afternoon. These transactions happen all the time, making the role of the notary even more vital.

For a more detailed discussion Ohio's notary law, a handbook can be found at the Columbus Bar Association's web page. The handbook was also prepared by the CBA and approved by the Secretary of State.

So, the next time you meet with your notary show a little respect. It has been hard earned! ■

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